

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

John Paul Jennings,)
)
 Plaintiff,) Civil Action No. 1:18-258-RMG
)
 vs.)
)
 Nancy A. Berryhill, Acting Commissioner)
 of Social Security,) ORDER
)
 Defendant.)
)
)

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on May 13, 2019, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the Administrative Law Judge's failure to consider all of the relevant evidence in the record regarding the findings and opinions of Plaintiff's long-serving treating neurosurgical physician and reliance on the opinions of non-treating and non-examining chart reviewers who did not review critical portions of the record before rendering their opinions, all in violation of the mandates of the Treating Physician Rule, 20 C.F.R. § 404.1527(c). (Dkt. No. 25 at 48-65). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 26).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate

Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
June 10, 2019